

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CANAL PROPERTIES, LLC, a California
Limited Liability Company

No. C 04-03201 SI

Plaintiff,

**ORDER LIFTING STAY AND
SCHEDULING FURTHER MOTIONS**

v.

ALLIANT TAX CREDIT V, INC., a Florida
Corporation, ALLIANT TAX CREDIT FUND V
LIMITED PARTNERSHIP, a Massachusetts,
DOES 1-50 inclusive,

Defendants.

On June 28, 2005, this Court granted defendants' request for a stay of this action ("*Canal II*"), pending resolution of the appeal in the related action, *Canal Properties, LLC v. Alliant Tax Credit V, Inc., et al.*, No. C 02-1871 SI ("*Canal I*"). In the same order, this Court denied defendants' motion for judgment on the pleadings in *Canal II*, without prejudice to renewal after decision on the appeal of *Canal I*.

The judgment in *Canal I* has now been affirmed by the Court of Appeals and the mandate has been filed in this court. It is therefore time to consider and decide the issues raised by defendants in their earlier motion for judgment on the pleadings.

Accordingly, the parties are directed to take the following steps: If defendants continue to request judgment on the pleadings in *Canal II*, **they must file and serve a motion to that effect on or before March 30, 2007. Plaintiff's opposition must be filed by April 13, 2007, defendants' reply if any must be filed by April 20, 2007, and hearing on the matter shall be scheduled for Friday, May 4, 2007 at 9:00 a.m.**

1 The Court notes that on March 13, 2006, the Court granted the motion filed by plaintiff's counsel
2 Meis & Alexander ("Meis") for an order permitting their withdrawal as counsel. The order allowing
3 withdrawal was effective on April 12, 2006, or when new counsel substituted in for Canal, whichever
4 date was earlier. The order advised Mr. Andrew Wiecks, managing partner of Canal, that Canal cannot
5 appear in this Court without counsel and that, if Canal did not retain new counsel, Canal would be
6 unable to oppose any motions.

7 The docket does not reflect the appearance of new counsel for Canal. Unless and until such an
8 appearance is made, Canal is unable to appear in this Court. A copy of this Order will be provided,
9 through e-filing, to Canal's prior counsel, Meis & Alexander, and will also be mailed to Mr. Wiecks at
10 the last address reflected in the file. **Mr. Wiecks is again advised that Canal cannot appear in this**
11 **court without counsel.**

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13 **IT IS SO ORDERED.**

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15 Dated: March 14, 2007

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17 SUSAN ILLSTON
18 United States District Judge